

SENATE BILL No. 265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-2-2.

Synopsis: Criminal trespass. Makes criminal trespass on property a Class D felony instead of a Class A misdemeanor if a person intended to: (1) damage, injure, or harass livestock on the property; or (2) release lawfully confined livestock from confinement on the property.

Effective: July 1, 2007.

Bray

January 16, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 265

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who:
3 (1) not having a contractual interest in the property, knowingly or
4 intentionally enters the real property of another person after
5 having been denied entry by the other person or that person's
6 agent;
7 (2) not having a contractual interest in the property, knowingly or
8 intentionally refuses to leave the real property of another person
9 after having been asked to leave by the other person or that
10 person's agent;
11 (3) accompanies another person in a vehicle, with knowledge that
12 the other person knowingly or intentionally is exerting
13 unauthorized control over the vehicle;
14 (4) knowingly or intentionally interferes with the possession or
15 use of the property of another person without the person's consent;
16 (5) not having a contractual interest in the property, knowingly or
17 intentionally enters the dwelling of another person without the



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person's consent; or

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

commits criminal trespass, a Class A misdemeanor.

(b) However, the offense **described in subsection (a)** is a Class D felony if:

(1) it is committed:

(A) on a scientific research facility;

(B) on school property; or

(C) on a school bus; ~~or~~

(2) the person has a prior unrelated conviction for an offense under this section concerning the same property; **or**

(3) the person intended to:

(A) damage, injure, or harass livestock on the property; or

(B) release lawfully confined livestock from confinement on the property.

~~(b)~~ **(c)** A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:

(1) personal communication, oral or written; or

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

~~(c)~~ **(d)** Subsections (a), ~~and~~ (b), **and (c)** do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

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(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-43-2-2, as amended by this act, applies only to offenses committed after June 30, 2007.

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